

The Daily Oklahoman
Monday, March 18, 2002

Legal Aid to highlight Senior Day

Richard Ingham

"But it's like trying to tell a stranger about rock 'n' roll."

- John Sebastian

It's just this hard when I try to answer the question: Why do older Oklahomans need lawyers? The answers are important enough that they will be a discussion topic of this year's Senior Day at 9 a.m. March 25 in the House Chamber at the Capitol. The following is a preview of some of the answers for review:

We can all agree that older Oklahomans need medical care. But even the best care is worthless if an older patient can't drive to the doctor for ongoing treatment because his or her car has been wrongfully seized in a debt dispute. Therefore, lawyers are part of the prescription for regular medical care for many of the 600,000 Oklahomans age 60 and older.

Another example: if a doctor treats an elderly patient for a lung ailment, the doctor's treatment will be undone and he will see the patient again and again, if the patient is sent home to an unheated apartment. Lawyers know how to make landlords heat apartments so the medical treatment can stick. (By the way, a May 16, 2001, article in The New York Times reports on a program at Boston Medical Center providing a walk-in legal clinic in the hospital to help fight their patients' legal and administrative battles.)

We also can agree that older Oklahomans - like all citizens - have rights to control their health care until they become incapacitated or these rights are transferred to another by legal document or process. "Old" is not a legal classification that results in automatic loss of these rights. Moreover, having an old parent does not automatically confer on children the right to make the parents' health care choices.

It follows that an important role lawyers provide for aging Oklahomans is not only to create rights - transferring documents such as durable powers of attorney and guardianship orders, but

also to monitor their use. In family situations, for example, lawyers must ensure that powers of attorney and guardianships are used to serve only the person transferring or losing rights. They are not to be used to help a family "manage" their mother or help a doctor or nursing home get permission for a pill or procedure they feel is in the best interest of a patient. Good news: Oklahoma now has a Public Guardianship Program, albeit unfunded, that will supply lawyers to perform this rights-monitoring process

Oklahoma grandparents should be able to enjoy their grandchildren, not raise them. But owing to the social problems of divorce and drug use, grandparents are increasingly being called on to raise their grandchildren because of missing parents. Adding to the physical, emotional and financial burden they take on, grandparents face legal problems.

All the decisions parents made without a second thought now require evidence of legal authority when made by grandparents. Grandparents can't get shots for their grandchildren, enroll them in school or sign field trip permission slips unless they can prove by legal document that rights that lie naturally in the parents have been transferred to them. This requires lawyers to help grandparents with durable powers of attorney, guardianships, custody and sometimes adoption.

Lawyers are also needed to make the system work. Our judicial system works well only when both sides have lawyers. Effective representation should not be an accident of geography, economic status or age.

The attorneys needed to meet these challenges now are being supplied in part by Legal Aid Services of Oklahoma (LASO) under contract with 11 area agencies on aging covering the state. These services, subject to certain limitations on types of cases, are free to those 60 and older.

To help put a face on the legal needs of older Oklahomans, each person attending Senior Day on March 25 will receive a compilation of more than 50 stories written by LASO attorneys and paralegals about how they have improved the lives of older Oklahomans.

Richard Ingham, state legal services developer, can be reached at 522-3069 or <mailto:richard.ingham@okdhs.org>